

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

LAURIE HARPER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 09-CV-238-TLW
)	
MICHAEL J. ASTRUE,)	
Commissioner of Social Security,)	
)	
Defendant.)	

OPINION AND ORDER

The Court has before it a motion filed by the plaintiff, styled “Ms. Harper’s Objection to Opinion and Order” filed on September 20, 2010. [Dkt. # 26]. The Court will construe the pleading as a motion for new trial, or to alter or amend judgment, under Fed. R. Civ. P. 59.

Plaintiff’s attorney makes a general statement that he “disagrees with everything” in the Court’s Opinion and Order filed on September 9, 2010. [Dkt. # 24]. This blanket objection lacks the specificity required for consideration by the Court. Accordingly, it is denied.

Plaintiff takes issue with the Court identifying plaintiff as an African American female in the “Background” section of the order. Plaintiff claims a reference to the “color of her skin” was “wholly irrelevant to these proceedings and can serve no useful purpose, but is only one of impropriety, in the context it was used.” [Dkt. # 26 at 1]. At the hearing before the ALJ, plaintiff objected to a statement in an examination record issued by her treating specialist, Dr. Lawrence Jacobs, identifying her as a “white female,” claiming the statement rendered his records unreliable. This mis-identification of race was addressed in the Court’s Opinion and Order on pages 5-6, in considering plaintiff’s argument that the ALJ failed to properly develop the record. Thus, identifying plaintiff as an African American female was not only basic background information, but

the identification of plaintiff's race was also relevant to an issue raised by plaintiff in her pleadings. Plaintiff also claims that it was a violation of her "free exercise of religion" to include in the "Background" information that her treating physician "prays with her almost every time she has an appointment with him." [Dkt. # 24 at 3]. The Court's recitation of background information which is contained in the administrative record is not error.

Accordingly, plaintiff's objection to the Court's Opinion and Order filed on September 20, 2010, is hereby denied. [Dkt. # 26].

IT IS SO ORDERED this 21st day of September, 2010.

A handwritten signature in black ink, appearing to read "T. Lane Wilson", is written over a horizontal line.

T. Lane Wilson
United States Magistrate Judge